

111TH CONGRESS
2D SESSION

S. 2847

AN ACT

To regulate the volume of audio on commercials.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commercial Advertise-
3 ment Loudness Mitigation Act” or the “CALM Act”.

4 **SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.**

5 (a) **RULEMAKING REQUIRED.**—Within 1 year after
6 the date of enactment of this Act, the Federal Commu-
7 nications Commission shall prescribe pursuant to the
8 Communications Act of 1934 (47 U.S.C. 151 et seq.) a
9 regulation that is limited to incorporating by reference and
10 making mandatory (subject to any waivers the Commis-
11 sion may grant) the “Recommended Practice: Techniques
12 for Establishing and Maintaining Audio Loudness for Dig-
13 ital Television” (A/85), and any successor thereto, ap-
14 proved by the Advanced Television Systems Committee,
15 only insofar as such recommended practice concerns the
16 transmission of commercial advertisements by a television
17 broadcast station, cable operator, or other multichannel
18 video programming distributor.

19 (b) **IMPLEMENTATION.**—

20 (1) **EFFECTIVE DATE.**—The Federal Commu-
21 nications Commission shall prescribe that the regula-
22 tion adopted pursuant to subsection (a) shall become
23 effective 1 year after the date of its adoption.

24 (2) **WAIVER.**—For any television broadcast sta-
25 tion, cable operator, or other multichannel video pro-
26 gramming distributor that demonstrates that obtain-

1 ing the equipment to comply with the regulation
2 adopted pursuant to subsection (a) would result in
3 financial hardship, the Federal Communications
4 Commission may grant a waiver of the effective date
5 set forth in paragraph (1) for 1 year and may renew
6 such waiver for 1 additional year.

7 (3) WAIVER AUTHORITY.—Nothing in this sec-
8 tion affects the Commission’s authority under sec-
9 tion 1.3 of its rules (47 C.F.R. 1.3) to waive any
10 rule required by this Act, or the application of any
11 such rule, for good cause shown to a television
12 broadcast station, cable operator, or other multi-
13 channel video programming distributor, or to a class
14 of such stations, operators, or distributors.

15 (c) COMPLIANCE.—Any broadcast television operator,
16 cable operator, or other multichannel video programming
17 distributor that installs, utilizes, and maintains in a com-
18 mercially reasonable manner the equipment and associated
19 software in compliance with the regulations issued by the
20 Federal Communications Commission in accordance with
21 subsection (a) shall be deemed to be in compliance with
22 such regulations.

23 (d) DEFINITIONS.—For purposes of this section—

1 (1) the term “television broadcast station” has
2 the meaning given such term in section 325 of the
3 Communications Act of 1934 (47 U.S.C. 325); and

4 (2) the terms “cable operator” and “multi-
5 channel video programming distributor” have the
6 meanings given such terms in section 602 of Com-
7 munications Act of 1934 (47 U.S.C. 522).

Passed the Senate September 29, 2010.

Attest:

Secretary.

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